

CHAPTER 14.04
AUTHORITY OF CHIEF OF POLICE TO LIMIT
MOTOR VEHICLES IN PARK AND RECREATION AREAS

SECTIONS:

- 14.04.01: Power and Authority
- 14.04.02: Sturgis Bike Path
- 14.04.03: Bear Butte Creek
- 14.04.04: Exemptions
- 14.04.05: Racing and Competitive Competition Prohibited

14.04.01: POWER AND AUTHORITY

The City Manager, after consultation with the Chief of Police and Parks ~~Superintendent~~Director, shall have the power and authority, when deemed necessary for public health and safety, to determine the types and numbers of motorized vehicles allowed in the parks and recreations area of the City at any time. In the event the City Manager deems it necessary to limit the number and/or type of motorized vehicles in any park or recreation area in the City, he shall cause to be posted at the entrance to the park or recreation area affected by the restriction, a sign providing for the types of vehicles allowed and the period of time for which the restriction is imposed. (14.04.01 revised by Ordinance 2013-24, effective 1/1/2014)

14.04.02: STURGIS BIKE PATH

No person shall operate any motor vehicles upon the Sturgis Bike Path.

14.04.03: BEAR BUTTE CREEK

No person shall operate any motor vehicle within the confines of the Bear Butte Creek.

14.04.04: EXEMPTIONS

The following shall be exempt from Sections 14.04.02 and 14.04.03

- A. City maintenance vehicles.
- B. City Police vehicles.
- C. Any handicapped person operating any approved device that is designed specifically for individual handicap mobility.

(14.04.04 revised by Ordinance 2013-24, effective 1/1/2014)

14.04.05: RACING AND OTHER COMPETITION PROHIBITED

No person shall engage in racing or other competitive events with bicycles or other off road vehicles in the Bear Butte Creek area or upon the trail system maintained by the City or anywhere within the City when such action will interfere with the safe usage of bicycle and pedestrian trail systems maintained by the City.

CHAPTER 14.05
URBAN FORESTRY BOARD AND TREES

SECTIONS:

- 14.05.01: Creation of Board and Statement of Purpose
- 14.05.02: Urban Forestry Board Established
- 14.05.03: Street Trees
- 14.05.04: Trees on Public Property
- 14.05.05: Trees on Private Property
- 14.05.06: Storage of Wood

14.05.07: Interference with City Parks Department

14.05.01: CREATION OF BOARD AND STATEMENT OF PURPOSE

The City hereby finds and determines that in order to protect existing neighborhoods, promote good design in new areas, and provide for sensitive and compatible development in existing commercial areas, the Urban Forestry Board shall be created to review and make recommendations on City tree plans and developed, created, or approved by the City Park and Recreation Board. The purpose and intent for regulating the planting, removal, and maintenance of trees, brushes, shrubs, and other woody vegetation, on public and private property are threefold:

- A. To protect and increase property rights and values;
- B. To enhance and conserve the City's aesthetic environment and physical characteristics of the land.
- C. To generally protect and enhance the quality of life and general welfare of the City.

14.05.02: URBAN FORESTRY BOARD ESTABLISHED

There is hereby created and established an Urban Forestry Board, which shall consist of five (5) persons. ~~The City Park and Recreation Board shall comprise the membership of the Urban Forestry Board. Members of the City Park Board may also be appointed to the Urban Forestry Board. Any person appointed to the City Park and Recreation Board shall automatically be a member of the Urban Forestry Board for the term of his or her membership on the City Park and Recreation Board.~~

It shall be the responsibility of the Board to review and make recommendations on the City tree plan.

The Board shall consider, investigate and make findings, reports and recommendations upon any special matter or question coming within the scope of its work.

14.05.03: STREET TREES

No street trees shall be planted unless and until the City Manager or his/her designee, after consultation with the Urban Forestry Board, has first approved the kind, size, variety and location thereof.

It is unlawful for any person to top any street tree or other tree on public property. Trees on public property and located within a public right of way severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical may be topped only with the approval of the City Manager or his/her designee.

All stumps of street and park trees shall be cut below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

14.05.04: TREES ON PUBLIC PROPERTY

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within public right-of-way and on public grounds, as it may determine.

Any living tree within the public right-of-way and on public grounds shall not be removed without permission from the City Manager or his/her designee.

- The minimum height of branches extending over the sidewalks in the City shall be seven (7) feet.
- The minimum height for branches extending over the public right-of-way shall be fourteen (14) feet.

The City ~~Manager~~ Parks Department may remove or cause or order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to private property, sewers, electric power lines, gas lines, water lines or other public improvements, or is infested with any pest. This Section shall not prohibit the planting of street trees by owners of adjacent property provided that the selection and location of said tree is made in accordance with this ordinance.

14.05.05: TREES ON PRIVATE PROPERTY

The City shall have the right to inspect and cause the removal of any dead or diseased trees on private property within the City if such trees constitute a hazard to life or property or harbor pests, which constitute a threat to other trees within the City. The City shall notify the owners of such trees, in writing, to remove such trees within such reasonable time as shall be determined by the City Manager or his/her designee. Removal shall be made by said owners at their own expense. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owners or to assess the costs thereof against the property.

Any person claiming an interest in any tree ordered to be removed under the preceding paragraph may appeal such order to the City Manager or his/her designee within seven (7) days of the date of notification.

14.05.06: STORAGE OF WOOD

No person shall store or permit the accumulation of any elm wood in the City. No person shall store any tree or part thereof declared to harbor or contain any pest infestation unless the bark is removed prior to storage.

(14.05.03, 14.05.04, 14.05.05, 14.05.06 revised by Ordinance 2013-24, effective 1/1/2014)

14.05.07: INTERFERENCE WITH CITY PARKS DEPARTMENT

It shall be unlawful for any person to prevent, delay, or interfere with ~~the~~ any City Parks Department employees or any ~~if its~~ agents engaged in the planting, cultivating, mulching, pruning, spraying, inspecting, or removing of any street trees, park trees or trees on private grounds, as authorized in this Chapter.

Chapter 14.06 RULES AND REGULATIONS

SECTIONS:

- 14.06.01: Hours
- 14.06.02: Illegal to Enter or Remain
- 14.06.03: Deposit Required for Use of Shelters
- 14.06.04: Pets and Animals
- 14.06.05: Wildlife and Vegetation
- 14.06.06: Metal Detectors
- 14.06.07: Authority of City Park and Recreation Board to Regulate

14.06.01: HOURS

The City Parks and recreation areas shall be open to the public from 5:00 a.m. to 10:00 p.m. each day.

14.06.02: ILLEGAL TO ENTER OR REMAIN IN CLOSED PARK OR RECREATION AREA

No person, other than law enforcement officers or other individuals participating in activities authorized by the City, may enter, be present in or remain within any City park or recreation area, including restrooms, parking areas or other support facility areas within park or recreation area boundaries, during the time that such park or recreation area is not open to the public. This prohibition does not apply to traffic moving through such park or recreation area on a designated and developed public right of way. Any person found in violation of this subsection shall be subject to the penalties as set forth at subsection 14.01.03 herein.

(14.06.01, 14.06.02 revised effective 11/13/2013, Ordinance 2013-15)

14.06.03: DEPOSIT REQUIRED FOR USE OF SHELTERS

Any person desiring to use any shelter located in any City Park and Recreation Area shall pay a deposit of twenty dollars (\$20.00) to secure clean up of the shelter and return of the key. The deposit shall be paid to the Finance Office and shall be returned to the person having paid said deposit upon return of the key and proper clean up of the Shelter.

14.06.04: PETS AND ANIMALS

Any pet allowed by City Ordinance 32.02.03 and present within any City Park, Recreation Area, Bike Path or cemetery

shall be on a leash no longer than ten (10) feet. Any person bringing a pet within any City Park, Recreation Area, Bike Path or cemetery shall clean up after the pet, consistent with City Ordinance 12.02.01 (CC). No horses shall be allowed within any City Park, Recreation Area or Bike Path except as authorized by the City ~~Manager~~ or resolution of the City Council.

(14.06.03, now 14.06.04, revised effective 7-4-2012, Ordinance 2012-09)

14.06.05: WILDLIFE AND VEGETATION

Any wildlife and/or vegetation, living or dead, located within any City Park and Recreation Area shall not be disturbed by any person or any person's pet. All wildlife and vegetation shall be left where found.

14.06.06: METAL DETECTORS

The use of metal detectors or other such devices used to locate buried materials shall be prohibited within any City Park and Recreation Area unless specifically authorized by the City Manager or her/her designee.

14.06.07: AUTHORITY OF CITY PARK AND RECREATION BOARD TO REGULATE

The City ~~Manager~~ ~~Park and Recreation Board~~ shall be authorized to establish any additional rules and/or regulations found by the Board to be necessary to assure the public safety, protection and enjoyment of the City Parks and to ~~maintain the~~ ~~assist the City in maintaining its Parks.~~ Any additional rules and/or regulations established by the City ~~Manager~~ ~~Board~~ shall be posted in the Parks in a manner sufficient to inform the public.

Chapter 14.07 Appeal Process

Any person aggrieved by a decision made under this Title shall be entitled to have said decision reviewed by the City Manager. If after review, the person is unsatisfied, he or she may appeal the decision to the City Council. The process shall be as follows:

- A. An aggrieved person shall first file a written request for review with the City Manager setting forth the basis for which he or she believes the decision to be in error. The writing shall also include the person's name and mailing address.
- B. Upon receipt of a written request for review, the City Manager shall review the decision and mail a written response to the aggrieved person within twenty (20) days.
- C. If the aggrieved person is not satisfied with the decision of the City Manager following review, he or she may file a notice of appeal with the City Finance Officer. There shall be ~~no a twenty-five dollar (\$25.00) fee~~ assessed for filing an appeal, ~~which shall be paid to the Finance Office at the time of filing the notice of appeal.~~
- D. Upon receipt of a notice of appeal, the Finance Officer shall notify the City Council and a public meeting shall be held within thirty (30) days after the date said appeal was filed. The Council shall provide notice to the person specifying the time, date, and location of the ~~meeting to hear the appeal.~~ hearing.
- E. The Council may notify the aggrieved person of its decision following the hearing, however, the Council shall issue a written decision to the person within twenty (20) days of the hearing. The Council may affirm or reverse ~~or modify~~ the decision ~~which caused the appeal.~~ ~~of the Building Inspector.~~

(Entire ordinance revised effective April 1, 2005, Ordinance 2005-4)

(14.07 revised by Ordinance 2013-15, effective 11/13/2013)

(14.07 revised by Ordinance 2013-24, effective 1/1/2014)

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Council Report

December 5, 2016

Daniel Ainslie, City Manager

Consideration to approve the First Reading of Title 18 Zoning

Background

As the City continues to grow and expand, there are a few zoning issues which have arisen recently. The proposed revisions seek to make minor revisions to the Agricultural and Conservation District to ensure that it is more realistic and able to correctly govern properties that are transition in nature and location between the developed portions of our community and forested or agricultural areas.

The remaining changes seek to ensure that the City of Sturgis is as competitive and business friendly as possible while still protecting the land value and quality of life of residential areas in our community. The most significant change regards "At Home Businesses." This has been an area of significant community discussion in the last several years.

The City first sought input from the Chamber of Commerce and the Sturgis Economic Development Corp. (SEDC). These groups thoroughly discussed the range of options throughout the US where some communities strictly prohibit "At Home Businesses." This is done to protect the residential nature of neighborhoods and to ensure that there is not an unfair advantage for a business operating in a residence as opposed to the inherently higher operating costs when operating a business in a separate commercial facility. The other end of the spectrum includes numerous communities which impose nearly no restrictions on "At Home Businesses." This has allowed companies such as Disney, Apple and Daktronics to begin operations in garages or basements. Once business plans have been further refined and products and services have been perfected businesses are able to greatly expand having innumerable positive effects on their respective cities.

The Boards of both the Chamber of Commerce and SEDC both discussed this spectrum and recommended a middle of the road approach. This is typical of most communities in American and several in South Dakota (an executive summary and selected text of South Dakota communities are attached to this report). These recommendations were brought to the Planning and Zoning Commission. The Commission discussed the spectrum of possibilities and prepared a list of "triggers" which would require an "At Home Business" to go through a Use on Review process. The reality is that most existing and new "At Home Businesses" will not have to go through a Use on Review process. However, once there is likely to be a measureable impact on neighbors, there will need to be a Use on Review. This is an important distinction as the Commission sought to balance the desire to be welcoming to cottage and emerging businesses while still protecting the quality of life and investment of the business neighbors.

Issue under consideration

The proposed modifications include the following policy modifications:

1. Slight modifications to the Agricultural and Conservation District. These modifications will allow for more realistic maintenance and a smaller required amount of land for a property to be in this zone.
2. At Home Businesses will be allowed in all residential areas. If a business meets a specific trigger it will need to go through a Use on Review process.
3. The existing Business License program will be eliminated. This will help improve and enhance the City's relationships with its Business community.

Budget Impact

The proposed changes are not anticipated to greatly change the actual revenue collected by the Community. However, this should allow for a greater growth in business activity which in the long run will enhance the City's property and sales tax revenue.

Recommendation

Staff's recommends adopting the first reading of the Title 18 amendments.

Approved:



Daniel Ainslie, City Manager

Executive Summary of Selected South Dakota At Home Business Ordinances

Brookings City Ordinances Summary

Temporary Merchants must be licensed properly by the city clerk and it is the property owner who is responsible for the merchant licensing on their property.

All subdivision plans shall comply with the comprehensive plan of the city, zoning ordinances, and major street plans.

Mixed Business/Residential uses can only be permitted in the correct zoning district. They can't have an adverse effect on property values surrounding the business/residence.

Rapid City Ordinance Summary

Low Density Residential District allows noncommercial, recreational, religious, and educational purposes along with residential purposes.

Home Occupations The business shall be confined to the dwelling unit and only ran by those living in the dwelling. The business shall not exceed 20% of the total floor area of the residence, including garages. Deliveries to the residence for the business shall not occur more than twice a week. No restricted materials may be used or stored on site. No mechanical equipment other than that ordinarily utilized in a dwelling for household or hobby purposes can be used or stored. There shall be no offensive noise, smoke, dust or heat noticeable beyond the premises. The business operation should not cause more vehicular or pedestrian traffic than that is normally associated with the residence. An operator may post its business name and phone number on a one square foot non-illuminated sign, which is neutral in color. The hours of operation to the house are restricted to 8:00am-9:00pm.

Spearfish City Ordinance Summary

The home occupation must adhere to the zoning ordinances, which include noncommercial, recreational, religious, and educational purposes to provide the basic elements of a balanced and attractive residential area. If there is an accessory building for the home business, the building needs to be aesthetically similar in texture and appearance to the exterior of the dwelling.

Madison City Ordinances Summary

All subdivision plans and plats shall comply with the city laws, rules, regulations, and ordinances, including the comprehensive plan of the city and zoning ordinances. Business conditional uses in residential zones have to be compatible with the surrounding residential characteristics. Business conditional uses are only granted on a yearly basis. Renewals may be approved or denied based on complaints, nuisances, and factors that preserved the residential characteristics of the neighborhood.

Text of Selected South Dakota At Home Business Ordinances

Brookings City Ordinances

Chapter 26-Temporary Merchants. A temporary merchant is any person, firm, corporation, partnership or association, or agent thereof who establishes a temporary business offering wholesale or retail goods for sale in an outdoor location.

Sec. 26-393-Property owner's responsibility. No property owner may permit the placement of temporary booths upon their property unless the property is licensed as provided therein. *(In reference to Temporary Merchants)*

Sec. 26-391-Issuing Authority. All licenses for leasing of sites for temporary merchants shall be issued by the city clerk. *(In reference to Temporary Merchants)*

Sec. 51-81-Conformity with other plans and ordinances. All subdivision plans and plats shall comply with the following additional laws and regulations: (a) The comprehensive plan of the city and the policies set forth therein. (b) The zoning ordinance of the city. (c) The major street plan. (d) SDCL 11-2-12.1. Approval of access to street or highway prerequisite to filing plat. (e) Other plans which may be or have been adopted that would affect the subdivision and use of land.

Sec. 94-285-Mixed Business/Residential uses. Such business uses shall be only those uses permitted in the respective zoning district. Provisions set forth in Section 94-41 shall govern all residential uses. (b) ...necessary and consistent with the establishment of those districts that those nonconforming uses, buildings and structures which substantially and adversely affect the orderly development or property value of other property in the district be either discontinued, reduced to conformity as soon as the fair interests of the parties will permit, or be permitted to continue with certain restrictions. (c) Whenever a use, building or premises becomes a nonconforming use through a change in the zoning ordinance or district boundaries, such use may be continued although the use does not conform to the provisions of this chapter. The continuance of nonconforming uses, structures or land is subject to the following limitations: (1) Expansion of no more than 25%, based on its gross floor area, excluding any basement. (2) Reconstruction/Restoration...must be built in accordance with the applicable requirements of the zoning district in which it is located. (3) Change in use. (4) Repairs and Maintenance.

Sec. 94-306.-Wholesale Trades. Such uses shall have no outdoor display or outdoor storage of goods or materials. (Ord. No. 21-03, 8-26-2003).

Rapid City Ordinances

Title 17. Chapter 17.10.010 General Description-Low Density Residential District 1. This district is intended to be used for single-family residential development with low population densities. Additional permitted uses, by review of the Common Council, include related noncommercial, recreational, religious, and educational facilities normally required to provide the basis elements of a balanced and attractive residential area.

Title 17. Chapter 17.10.020. Permitted principal and accessory uses and structures. Property and buildings in an LDR district shall be used only for the following uses: (A) Detached single-family dwellings. (B) Temporary Buildings for incidental to construction work. (C) Transportation and Utility easements, alleys and rights-of-way. (D) Accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business...(G)Home occupation as regulated in 17.50.350.

17.50.350 Home Occupations. Defined. A home occupation is any activity conducted for financial gain by the occupants of any dwelling unit which is located within a residential zoned district. *(C) Criteria and Standards.* (1) The use shall be conducted entirely within the dwelling unit and shall be conducted entirely by the residents of the dwelling. No other employees shall be hired. (2) The area set aside for a home occupation shall not exceed 20% of the total floor area of the residence, including garages. The permissible floor area includes that space necessary for storage of goods or products associated with the home occupation. (3) Merchandise offered for sale shall be clearly incidental to the home occupation: provided, however, that, orders may be taken for later delivery off the premises. (4) Delivery of products to the home for business purposes shall not occur more frequently than twice a week. Delivery trucks or vehicles not ordinarily utilized for residential deliveries shall be prohibited. (5) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted material shall be stored on site. (6) No mechanical equipment other than that ordinarily utilized within a dwelling unit for household or hobby purposes shall be permissible. (No activity shall be conducted which would interfere with radio or television transmission in the area nor shall there be any offensive noise, smoke, dust, or heat noticeable beyond the premises. (8) No home occupation shall require external alteration of the residence or other visible evidence of the conduct of such home occupation. (9) The operation of the home occupation shall not cause or encourage excess vehicular or pedestrian traffic not ordinarily associated with the residential area in which the home occupation is conducted. (10) Advertising associated with home occupation shall be by phone number only. On-premises advertising shall be limited to 1 nonilluminated sign not exceeding 1 square foot. The legend shall show only the name of the occupant and type of occupation and shall be neutral in color. (11) If the home occupation is the type in which classes are held or instructions given, there shall be no more than 4 students on the premises at any one time. Parking restrictions as indicated in subdivision 9 of this subsection shall apply. (12) Home occupations shall be restricted to the house of 8:00am-9:00pm.

Spearfish City Ordinances

Appendix A, Article IV, Sec. 2. R1 Single-Family Residential District. (A) This district is intended to be used for single-family residential development with low population densities. Additional permitted uses, by review of the city council, include related noncommercial, recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. (B) Uses permitted. (1) Detached site-built or modular single-family dwellings. (2) Transportation and utility easements, alleys and rights-of-way. (3) Accessory buildings and uses customarily incidental to the above uses when located on the same lot. (4) Signs as regulated in Article V, Section 6. (5) Gardening for home use. (6) Accessory uses of pole type construction may be allowed providing the exterior is aesthetically similar in texture and appearance to the exterior of the dwelling.

Madison City Ordinances

Appendix A, Article I.7. Sec. 5. Conformity with Other Plans. (A) In addition to the requirements established herein, all subdivision plans and plats shall comply with the following laws, rules, and regulations, as adopted and subsequently amended: (1) The Comprehensive Plan of the City and the policies set forth therein. (2) The Zoning Ordinance of the City. (3) The Major Street Plan, showing the location, arrangement and character of existing and planned streets/roads. (4) Other plans which may be or have been adopted that would affect subdivision and use of the land. (5) Any engineering design standards approved by the City Engineer and/or City Commission.

Appendix B, Article II, Sec. 17.16.04. Conditional Uses. (2) Small business service and repair operations as determined and approved by the Planning Commission and the Board of Adjustment. The Planning Commission and the Board of Adjustment must determine after a public hearing that the proposed business is expected to be compatible with the surrounding residential characteristics of a particular neighborhood. Business conditional uses in residential zone may be granted only on a yearly basis. Applicants must apply on an annual basis to renew a small business conditional use in any residential zones. Renewals may be approved after due consideration regarding complaints, nuisances, and other related pertinent factors regarding preserving the residential characteristics of the neighborhood.

ARTICLE II DEFINITIONS

Assisted Living Facility: A facility, which has individual dwelling or living units where care may or may not be provided by on duty medical personnel, this facility can also be capable of serving one or more meals a day to the occupants of the structure at one and the same time.

At Home Business: Any retail or commercial type business offering any goods or services in a residentially zoned district.

Authorized emergency vehicle: means every vehicle equipped with audible or visual signals meeting the requirements of South Dakota State Law and the City of Sturgis, as amended, and operated by a law enforcement personnel, city fire department personnel, ambulance personnel and every other vehicle defined as an authorized emergency vehicle by state law.

TITLE 18.05.01 AG.1 – AGRICULTURAL AND CONSERVATION DISTRICT

A. DEFINITION:

This District is intended to: protect agricultural lands and to preserve the natural beauty and open character of forested and other natural growth areas from incompatible land uses; or a transition area where future development within the municipal limits will likely occur; or an area of transition from heavily developed land to forested lands.

No temporary Merchants

No temporary structures in association with temporary merchants are permitted in this district.

B. PERMITTED USES:

1. Agricultural uses such as general farming, pasture, grazing, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, including roadside stands exclusively for the sale of products raised on the premises, but excluding commercial feed lots. All of the above uses shall be conducted on land without more than one residential structures. 2. Transportation and utility easements, utility substations, alleys and public R.O.W.'s. 3. Accessory structures which are utilized for short term storage of products or livestock.

C. USES PERMITTED ON REVIEW:

Uses on review which are agricultural in nature and do not involve the construction of more than one residential structures or are not harmful in nature to the area may be permitted in accordance with provisions of Title 18, Article VII, Section 4.

2. Uses on review which are campgrounds temporary in nature, the running of which are not harmful in nature to the area, may be permitted in accordance with provisions of Title 18, Article VII, Section 4.

(Revision of 18.04.01 (c) effective Sept. 9, 2004 – Ordinance 2004-13) D. AREA REGULATIONS:

Any structure or use permitted shall be agricultural in nature. 1) Front Yard: All lots in this district shall have a minimum building set back of fifty feet 50'-0")from any public R.O.W. 2) Side Yard: All lots in this district shall have a minimum building setback of 50'-0" from any adjoining property line. 3. Rear Yard: All lots in this district shall have a minimum building setback of not less than 50'-0". 4. Lot Width: All lots used for this zoning designation shall consist of not less than 5.40 acres. 5. Lot Area: All lots used for this zoning designation shall consist of not less than 5.40 acres. 6. Maximum Lot Coverage: All lots in this district shall not have more than 5% of its total area covered by permanent structures. 7. Lawn and various vegetation shall be maintained at a height of not more than 8" for at least 5' from any public right of way. The remaining property may be maintained in a natural state where the height is higher than other zones in the Community. All site triangles must be maintained in a safe manner as described in City of Sturgis Ordinances.

E. HEIGHT REGULATIONS: No structure shall exceed two and one-half (2 ½ 30) stories or 50 feet in height.

F. OFF STREET PARKING: No off street parking is required for this district.

G. FLOOD PLAIN REQUIREMENTS: Any structure constructed within this district must have its first floor elevation constructed above the base flood elevation stated on the city's firm map.

H. RURAL SERVICE DISTRICT: All property located within the Agricultural and Conservation District shall be and is hereby classified as "rural property" as that term is defined in SDCL Chapter 9-21A-2 and shall be construed to be a "rural service district" pursuant to SDCL 9-21A. Consistent with SDCL 9-21A-6, the City hereby determines that the tax levy and assessment value on the agricultural land annexed shall not exceed the average tax levy average assessed value on unannexed agricultural land in adjoining townships in the county as long as the annexed agricultural land remains rural property as defined by SDCL Chapter 9-21A.

("H" effective 8-26-09, Ordinance 2009-13)

TITLE 18.05.02 PARK -- PARK LAND ZONING

(A) DEFINITION:

This district is intended to be used for public recreation on publicly owned land.

This district may be found intermixed with other zoning districts.

Intermixing of this zoning district shall not be construed as spot zoning.

(B) PERMITTED USES:

1. Public recreation areas (to include but not be limited to playgrounds, picnic areas, bike paths or similar uses) 2. Public areas which are used for baseball, softball, football, soccer or similar recreational uses. 3. Uses, which are entertaining or recreational in nature and are approved by the parks board and Sturgis City Council. 4. Permanent structures may be permitted in this zoning district if they are incidental to the primary use. a. Said structures may be restrooms, equipment storage facilities, shelters, picnic areas, concession stands etc. b. No facilities may be constructed for sleeping within this zoning district unless they are associated with an organized (licensed) campground. 5. Campgrounds (public). 6. Temporary structures in association with an event authorized by the Sturgis Park Board and Sturgis City Council. Said structures must be removed within 24 hours of the close of said event unless otherwise authorized by the Sturgis City Council. 7. When in the best interest of the public, parking areas may be designated on park land to facilitate an event.

(C) USE ON REVIEW:

When in the best interest of the public, uses, which are not listed above but are recreational or entertaining in nature, may be permitted under a conditional use permit and approval of the park board and Sturgis City Council.

(D) AREA REGULATIONS:

The following requirement shall apply to all uses permitted in this district, except as provided in Article V, Section 4.

1. Front yard: all lots utilized for parks & recreation shall not have structures located closer than 10'-0" to any public R. O. W 2. Side yard: there is a 10' minimum side yard requirement for this district. Water from these lots may not drain onto any adjacent property. 3. Rear yard: each lot or area shall have not less than 10'-0" setbacks for all structures. 4. Lot width: all lots used for parks shall not be less than 75 feet in width. 5. Lot area: all lots used for parks shall not be less than 10,000 sq. ft. in area. 6. Maximum lot coverage: the maximum area that can be covered by permanent structures on parkland shall not exceed more than 10% of the overall parcel of land.

(E) TEMPORARY STRUCTURES:

TITLE 18 - 29 Temporary canopies, tents, awnings, etc. May be set up on parklands.

1. All temporary structures may not be erected for a period of more than 2 days unless otherwise approved by the City Manager~~park board~~.

(F) HEIGHT REGULATIONS:

No principal or accessory building or structure shall exceed one (1) story or 18'-0" in height.

(G) OFF STREET PARKING:

When park land exceeds 10,000 sq. feet in area, a minimum of one (1) hard surface parking space shall be provided for each 1,000 sq. ft. of park area.

(H) FLOOD PLAIN REQUIREMENT:

Any building constructed within the designated 100 year flood zone as stated on the city's firm map, shall have its first floor elevation at not less than 1'-0" above the flood elevation designated on the firm map.

In addition, any improvements within the flood area must comply with the city's floodplain ordinance included here in Article VIII.

TITLE 18 - 30 TITLE 18.05.03 PUBLIC- PUBLIC LAND ZONING DISTRICT

(A) DEFINITION:

This district will consist of land, which owned by a government entity and is not classified in another zoning district.

This land may be intermixed among the other zoning districts. In this case if intermixing takes place it shall not be construed as spot zoning.

(B) PERMITTED USES:

1. Federal, state, county or city owned buildings. a. Structures that house the following shall be permitted: police, fire, public works, court houses, city hall, community centers, etc. or any similar in use which is in the best interest of the public. 2. Federal, state, county or city owned storage yards or maintenance facilities. 3. Public land designated as no use areas. 4. Public parking lots or areas. 5. Public water ways, drainage's or spillways. 6. Public landfills, sewer lagoons, water treatment facilities, or similar uses. 7. Temporary structures are permitted on lots zoned for government use, but may be erected for a period not to exceed twelve (12) calendar days at a time.

(C) USES PERMITTED ON REVIEW:

Uses on review may be granted for items, which are, similar in nature to the primary uses listed, but must be an accessory use to the primary use.

(D) AREA REGULATIONS:

The following requirements shall apply to all uses permitted in This district, except as provided in article v. Section 4. 1. Front yard: none required 2. Side yard: none required 3. Rear yard: none required 4. Lot width: the minimum lot width required shall be not less than 100 feet. 5. Lot area: the minimum lot area shall be not less than 10,000 sq. ft. 6. Maximum lot coverage: permanent main and accessory buildings shall cover not more than 65% of the lot area.

(E) HEIGHT REGULATIONS:

No building or structure shall exceed 4 and one half (4 ½) stories or 50 feet in height.

(F) OFF STREET PARKING:

Hard surface off street parking shall be provided at a ratio of not less than one parking space for each 200 sq. feet of building area and not less than one space for each employee.

(G) FLOOD PLAIN REQUIREMENTS:

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Any building constructed within this district, on lots located within the 100 year flood plain as shown on the city's firm map shall have the first floor constructed at least 1'-0" above the flood plain elevation stated on the firm map.

(H) LANDSCAPING:

Landscaping shall be provided in quantities as described in Title 18, Article IX.

(18.05.04 & 18.05.05 revised by Ordinance 2015-01, effective 02/04/2015)

TITLE 18.05.04 MEDIUM DENSITY RESIDENTIAL HOUSING

(A) DEFINITIONS:

This is a residential district to provide for medium population density the principal uses of land is for one and two-family residential uses. Certain uses which are more compatible with intensive residential uses than with commercial uses permitted. The city planning commission and city council may permit the recreation, religious, education and other related uses in keeping with the residential character of the district on review.

No temporary merchants will be permitted

No temporary structures in association with temporary Merchants shall be permitted in this district. Exception: temporary structures which are in conjunction with an event of three (3) days or less may be permitted.

(B) PERMITTED USES:

1. Detached single-family homes which are of conventional construction and are constructed as per the adopted building code on site. 2. Attached single family dwellings, which are intended for sale or lease to more than one but less than eight individual families. Said structures shall not be more than two stories in height (for the purpose of this section these homes shall have a separation wall of not less than one—hour construction which goes from foundation to the underside of the roof line which clearly divides the dwellings into individual single family dwelling units. 3. Detached single-family manufactured homes which shall be placed on a foundation, (excluding manufactured homes which are mobile in nature) and are built in compliance with the codes adopted by the City of Sturgis and the State of South Dakota. 4. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of construction work. 5. Transportation and utility easements, alleys, and rights-of-ways. 6. A maximum of two structures for storage which is a single story and less than 144 square feet in area may be permitted without a building permit and/or being placed on a foundation. 7. All accessory storage structures must have a minimum of 3 foot set back from side and/or rear property lines. No structures are allowed within the front setback of any property in this district. 8. Small agricultural gardens. 9. Signs, as regulated in Title 18, Article 5, Section 8.

(C) USES PERMITTED ON REVIEW:

The governing body in accordance with provisions contained in Title 18, Article VII, Section 4 may permit the following uses on review:

1. Churches or similar places of worship, with accessory structures but not including missions, revivals, tents or similar structures. (For the purpose of this section, missions, revivals or similar uses shall be known as any activity which takes place outside the permanent structure which causes more traffic, noise etc. than the primary use.) This section is not intended to prohibit activities such as preschool, Sunday school, or similar activities which may take place outside the structure. 2. Schools public or private. 3. Public parks, playgrounds and play fields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district. 4. Libraries, museums, and historical monuments or structures. 5. Utility substations. 6. Golf courses, or country clubs, with adjoining grounds of not less than sixty (60) acres. 7. Cemeteries. 8. A planned residential development as regulated in Title 18, Article, Section 1-a. 9. Home occupations which are clearly incidental in nature and which no display except for regulated signage will be permitted on the exterior of the building being utilized in part for any purpose other described above or as described in Title 18, Article V, Section 10. 10. Day care homes or group homes either for children or adults. 11. Townhomes subject to the regulations set forth in subsection (h) below. 12. At Home Businesses subject to the use on review process outlined in Article VII Section 2.

(D) AREA REGULATIONS:

1. FRONT YARD: All lots shall have a minimum of not less than ten (10) feet from property lines. 2. SIDE YARD: All interior lots with single story structures shall have a minimum side yard of not less than five (5) feet from property line to the wall of the structure. In addition, any structure with two (2) or more stories or having an eave height of more than eighteen (18) feet above finished grade shall have one (1) foot of side yard for each two (2) feet of eave height above finished grade. 3. CORNER LOT SIDE YARD: All lots which have side yard abutting a street shall have a minimum setback of not less than eighteen (18) feet from the property line. 4. REAR YARD: All lots shall have a minimum rear yard of not less than ten (10) feet from property lines. 5. LOT WIDTH: All lots used in this zoning designation shall have a minimum lot width of not less than fifty (50) feet. 6. LOT AREA: Shall have a minimum area of not less than 6000 sq. ft. 7. MAXIMUM LOT COVERAGE: All lots shall not have more than 45% of its total area covered by permanent structures. 8. ALLEY GARAGE SET BACK: Minimum of a ten (10) foot setback when accessed from public alley with no parking allowed within said setback.

(E) HEIGHT REGULATIONS:

No structure shall exceed two and one-half (2 ½) stories in height.

(F) OFF STREET PARKING:

A minimum of one 400 sq. ft. of hard surface parking with an eight (8) foot minimum width, which must be configured in a manner to hold at least two automobiles, must be provided for each single family home. All drives and parking pads must be hard surfaced, including those drives that connect a driveway or parking pad to a right of way. Hard surfaces include asphalt or concrete, other materials such as brick or pavers may be used subject to review by the Building Inspector.

(G) FLOOD PLAIN REQUIREMENTS:

Any structure constructed within this district must have its first floor elevation one foot above the base flood elevation stated on the FEMA FIRM map. All property improvements and uses are subject to current FEMA requirements.

(H) TOWNHOME REGULATIONS

TITLE 18 - 34 The following regulations shall apply to any lot containing townhomes.

1. AREA REGULATIONS:

FRONT YARD: All lots shall have a minimum of not less than ten (10) feet from the front property line to the front of the structure.

SIDE YARDS: All interior lots shall have a minimum of not less five (5) feet from the side property line to the structure wall. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have an additional one (1) foot of side yard for each two (2) feet of eave height above finished grade.

SIDE YARDS ON CORNER LOTS: All lots which have a side yard abutting a street shall have a minimum side yard setback of not less than eighteen (18) feet from the property line to the structure.

REAR YARD: All lots shall have a minimum rear yard of not less than ten (10) feet from the property line to the primary residential structure.

LOT WIDTH: All lots shall have a minimum lot width of not less than thirty five (35) feet.

LOT AREA: All lots shall have a minimum lot area of not less than 3500 sq. ft.

MAXIMUM LOT COVERAGE: All lots shall not have more than 50% of its total lot area covered by permanent structures.

2. HEIGHT REGULATIONS:

No structure shall exceed two and one-half (2 ½) stories in height.

3. OFF STREET PARKING:

A minimum of one 400 sq. ft. of hard surface parking (8' minimum width, which must be configured in a manner to hold at least two automobiles) must be provided for each single family home. All drives and parking pads must be hard surfaced, including those drives that connect a driveway or parking pad to a right of way. Hard surfaces include asphalt or concrete, other materials such as brick or pavers may be used subject to review by the Building Inspector.

4. FLOOD PLAIN REQUIREMENTS:

Any structure constructed within this district must have its first floor elevation one foot above the base flood elevation stated on the FEMA FIRM map. All property improvements and uses are subject to current FEMA requirements.

TITLE 18.05.05 LOW DENSITY RESIDENTIAL HOUSING

(A) DEFINITION:

This district is intended to be used for single-family residential development with low population densities. Additional permitted uses will be reviewed by the city planning commission and city council. Recreational, religious and educational facilities may be permitted under a use on review because; they are normally required to provide the basic elements of balanced and attractive residential area.